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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,038	10/31/2000	Tony M. Brewer	59182-P004US-10020641	8896
20529	7590	05/23/2007		
NATH & ASSOCIATES 112 South West Street Alexandria, VA 22314			EXAMINER SAM, PHIRIN	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 05/23/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/703,038

Applicant(s)

BREWER ET AL.

Examiner

Phirin Sam

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 63-125 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 63-87 is/are allowed.
- 6) ☒ Claim(s) 88,90,94,95,101-106,109 and 111 is/are rejected.
- 7) ☒ Claim(s) 91-93,96-99,107,108 and 110 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



PHIRIN SAM  
PRIMARY EXAMINER

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 88, 101-106, 109, and 111 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,829,237 (hereinafter referred as “Carson”).

**Regarding claims 88, 101, 105, 109, and 111,** Carson discloses An Internet Protocol (IP) packet router system (see Figs. 14 and 15, col. 10, lines 21-51, and col. 11, lines 4-15), said system comprising:

- (a) at least one chunk having a payload comprising a plurality of data packets and a framing symbol (see col. 1, lines 41-58);
- (b) an IP packet router (see Figs. 14 and 15, col. 1, lines 18-31), including:
  - (b1) an optical switch fabric through which said chunk passes (see Figs. 7, 8, 16, col. 8, lines 29-38);
  - (b2) a first electrical switch stage at an input side of said optical switch fabric and a second electrical switch stage at an output side of said switch fabric (see Figs. 7, 8, and 16, col. 8, lines 3-38, 29-38).

**Regarding claims 102-104,** Carson discloses the chunk header includes ID of chunk type (see col. 1, lines 41-67).

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**Regarding claim 106**, Carson discloses said chunk header includes identification of an input of said optical switch fabric and an output of said optical switch fabric for said chunk (see col. 1, lines 41-67).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 90, 94, and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,829,237 (hereinafter referred as "Carson") in view of US Patent 6,633,564 (hereinafter referred as "Steer").

**Regarding claim 90**, Carson does not disclose framing symbol has a length of 16 bytes. However, Steer discloses framing symbol has a length of 16 bytes (see Fig. 3a, col. 8, lines 27-31). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the framing symbol teaching by Steer with Carson. The motivation for doing so

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would have been to provide a communication network with an efficient for interrupting the transmission read on column 2, lines 36-37. Therefore, it would have been obvious to combine Steer and Carson to obtain the invention as specified in the claim 90.

**Regarding claim 94**, Carson does not disclose FEC coding. However, Steer discloses the FEC coding (see Figs. 3a and 4, elements 31, 39, 43, 46, col. 6, lines 2-4). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the FEC coding teaching by Steer with Carson. The motivation for doing so would have been to provide a communication network with an efficient for interrupting the transmission read on column 2, lines 36-37. Therefore, it would have been obvious to combine Steer and Carson to obtain the invention as specified in the claim 94.

**Regarding claim 95**, Carson does not disclose FEC field. However, Steer discloses the FEC field (see Figs. 2, 3a, and 4, element 31, col. 1, lines 30-34, and col. 8, lines 27-31). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the FEC field teaching by Steer with Carson. The motivation for doing so would have been to provide a communication network with an efficient for interrupting the transmission read on column 2, lines 36-37. Therefore, it would have been obvious to combine Steer and Carson to obtain the invention as specified in the claim 95.

***Allowable Subject Matter***

6. Claims 63-87 and 112-125 are allowed.
7. Claims 89, 91-93, 96-100, 107, 108, and 110 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Response to Arguments***

8. Applicant's arguments with respect to claims 88, 94, 95, 101-106, 109, and 111 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

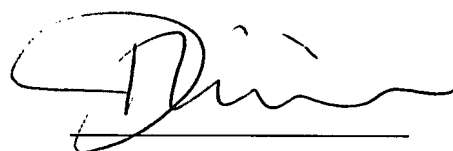
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272 - 3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully submitted,

Date: May 21, 2007

A handwritten signature in black ink, appearing to read 'Phirin Sam', written over a horizontal line.

**PHIRIN SAM  
PRIMARY EXAMINER**